

REMARKS

The examiner's attention to this lengthy application is appreciated.

Applicants are attempting to substantively and fully respond to the non-final Office Action dated April 6, 2006.

Status of Claims

Claims 1 – 13, 15 – 17, 33 – 44, 46 – 49, 65 – 69, 75 – 83, 127, 128, and 130 – 139 are currently pending. Claims 14, 22, 32, 45, 54, 64, 70 – 74, 88, 98 – 126, and 129 were previously canceled without prejudice. Claims 18 – 21, 23 – 31, 50 – 53, 55 – 63, 84 – 87, and 89 – 97 are currently canceled without prejudice in favor of co-pending Application Serial No. 11/530,720 and to simplify the issues in this application for patent.

First Substantive Office Action Dated April 6, 2006

In summary, the non-final Office Action dated April 6, 2006: (1) withdrew claims from further consideration as being directed to non-elected species; (2) required a drawing correction; (3) substantively addressed the then-pending claims; and (4) noted that a certain foreign patent document noted on an Information Disclosure Statement was not considered because Applicants had not provided a copy.

Applicants' Attempted Response Filed September 15, 2006

On September 15, 2006, Applicants filed a bona-fide attempt to make a complete response, including: (1) cancelling Claims 14, 22, 32, 45, 54, 64, 88, 98, and 129 without prejudice; (2) a request for drawing correction submitting substitute sheets; (3) amending certain claims, adding Claims 132–139, and substantively responding regarding the claims; and (4) filing a Supplemental Information Disclosure Statement.

Four Office Communications Regarding Response Filed on September 15, 2006

On September 25, 2006, a first Office Communication regarding a Notice of Non-Compliant Amendment noted that the practice of submitting proposed drawing corrections has been eliminated and requiring replacement drawings. On October 12, 2006, Applicants submitted replacement drawings sheets. On February 2, 2007, a Letter Withdrawing a Notice of Non-Compliant Amendment of September 25, 2006 was mailed.

On February 2, 2007, a second Office Communication regarding a Notice of Non-Compliant Amendment further noted that the drawings submitted on both September 15, 2006 and October 12, 2006

were not properly identified in the top margin as “Replacement Sheet.” On February 22, 2007, Applicants submitted replacement drawing sheets with the required annotation in the top margin.

On October 28, 2008, a third Office Communication regarding a Notice of Non-Compliant Amendment noted that the Amendment filed on September 15, 2006 included the use of single brackets instead of double brackets for deletion of five or fewer consecutive characters. On November 11, 2008, Applicants amended the claims as required.

On February 4, 2009, a fourth Office Communication noted that the Amendment filed on November 11, 2008 is not fully responsive to the prior Office Action [of April 6, 2006] because Applicants have not argued how the added claims (132–139) [which were first presented on September 15, 2006] read over the prior art. When Claims 132–139 were first presented on September 15, 2006, Applicants discussed the subject matter of each claim. Each is a sub-combination of previously-presented claimed subject matter. Applicants will supplement those remarks.

This is Applicants’ fourth attempt to reach the merits in response to the Office Action dated April 6, 2006.

Complete Remarks

The following remarks are believed to complete the reply to the Office Action of April 6, 2006. No substantive claim amendments have been made since Applicants’ response of September 15, 2006. A few matters of amendment formalities were corrected in the Response filed on November 11, 2008. For the sake of completeness of response and for the Examiner’s convenient reference, the following remarks regarding the currently-pending claims are the same as those made in the Response filed on September 15, 2006. In response to the Office Communication of February 4, 2009, a section is added further discussing Applicants’ arguments for how added Claims 132–139 are patentable over the cited references.

In addition, Claims 18 – 21, 23 – 31, 50 – 53, 55 – 63, 84 – 87, and 89 – 97 are currently canceled without prejudice in favor of co-pending Application Serial No. 11/530,720 and to simplify the issues in this application for patent.

Supplemental Information Disclosure Statement of September 15, 2006

Applicants note that the Office Action dated April 6, 2006 did not consider International Publication Number WO 01/09535 A1, which was listed on an Information Disclosure Statement filed on or about June 15, 2004, because Applicants had not provided a copy. On September 15, 2006, Applicants submitted a Supplemental Information Disclosure Statement, including a copy of the previously-listed

foreign reference that had been omitted inadvertently and authorization to pay the fee required under 37 CFR § 1.17(p) from the undersigned's deposit account.

Applicants request consideration of the prior Supplemental Information Disclosure Statement.

Supplemental Information Disclosure Statement Filed With this Response

In addition, Applicants have recently received a substantive Office Action in related U.S. application Serial No. 11/530,720. Applicants are filing another Supplemental Information Disclosure Statement based on the references cited in related U.S. application Serial No. 11/530,720.

Applicants request consideration of this Supplemental Information Disclosure Statement.

Specification

In Applicants' Response filed on September 15, 2006, Applicants corrected the wording in Paragraph 0127 by inserting the word "be" in the last part of the sentence: "that has an outside diameter adapted to be telescopically inserted and positioned in the inside circumferential surface 103 of the sleeve 102."

In addition, the specification in Paragraph 0198 is currently amended to correct the word "seal" to "pressure ring."

Applicants have not become aware of any other errors in the Specification.

Drawings

In response to the objection to Figures 1 and 2 noted in the Office Action dated April 6, 2006, two corrected replacement sheets for Figures 1 and 2 were submitted on February 22, 2007, to include the legend – Prior Art – and including the required annotation in the top margin "Replacement Sheet."

In the Office Action dated April 6, 2006, the drawings were also objected to under 37 CFR 1.83(a) because the specific terms "telescoping structures" (Claim 1) and "means for telescoping" (Claim 33) were not identified in the drawings. In response, Applicants note that the "telescoping structures" or "means for telescoping" can include several different embodiments as described and illustrated with reference to the Figures of the drawings.

For example, with reference to Figures 3 and 3a, representative structures for these features are described and indicated in the drawing as follows: "Each of the first abutment ring 114 and the second abutment ring 124 have an outer circumferential surface 115 and 125, respectively, that has an outside diameter adapted to be telescopically inserted and positioned in the inside circumferential surface 103 of the sleeve 102." (Specification, Paragraphs 0127–0128.)

With reference to Figure 4, representative structures for these features are described and indicated in the drawing as follows: “The packing cartridge 200 further includes, without limitation, a second element 220 comprising a second sleeve portion 222 having at least a portion thereof telescopically positioned in at least a portion of the first sleeve portion 212, ...” (Specification, Paragraph 0144.)

As will be appreciated, the telescoping structures of the first sleeve portion 212 and the second sleeve portion 222 allow for squeezing of the first abutment ring 214 and the second abutment ring 224 co-axially closer to one another after positioning the pre-assembled packing cartridge 200 on a plunger 38 in the packing bore 28. This axial squeezing is initially provided by the gland nut 32 (not shown in Figure 4). ... Preferably, these telescoping structures allow for at least sufficient overlapping travel in areas 212a and 222a to allow for the expected crushing of packing during the operation of a plunger 38 through the packing cartridge 200.

(Specification, Paragraph 0145.)

Additional descriptions in the Specification and references to other Figures of the drawing are included in the Specification, e.g., Figure 6 and Paragraphs 0154-0155 and Paragraph 0158. Figure 7 is similar to Figure 6 as described in Paragraph 0161, and Figure 12 is similar to Figure 7 as described in Paragraph 0193.

These descriptions and drawings are believed to be sufficient to reasonably identify the various embodiment examples of “telescoping structures” and “means for telescoping” with reference to the Figures in the drawing as required under 37 CFR 1.83(a). Further, dependent Claims 6, 11, 38, and 43 further and specifically identify examples of these structures, which are specifically identified in the drawing. The terminology is used with reference to various structures as shown in the drawings, and it is believed that embodiments of such terms as used in the claims are adequately and reasonably well represented in the drawing. Reconsideration of this objection is respectfully requested.

In response to the observation regarding Claim 83 that “at least one gap” and “a lip” are not shown in the drawing, Claim 83 has been amended previously in the Response dated September 15, 2006 to use the language “milled slots formed in the bottom of the sleeve to facilitate prying the cartridge out of the packing bore.” This language is fully supported by Figures 11 and 11a. No new matter has been added.

Prior Election/Restrictions

In response to the prior Office Action dated September 12, 2005 regarding a restriction requirement, on October 11, 2005 Applicants advised that none of the then-pending claims were generic to all of the patentably distinct Species I through XIV as outlined in that Office Action. Applicants noted,

however, that independent Claim 65 is generic to the plurality of disclosed patentably distinct Species I through XII (i.e., Figures 3 through 14a).

In response to the requirement to elect a single disclosed Species, Applicants elected Species X (i.e., Figures 12 and 12a).

The Office Action dated September 12, 2005 did not specify that Applicants identify the pending claims in the application that read on the elected Species. In a telephone conference with Examiner Gilbert Lee on November 1, 2005, the undersigned identified the following 9 of the originally-pending claims as not reading on the elected Species X (i.e., Figures 12 and 12a): 14, 22, 32, 45, 54, 64, 88, 98, and 129.

In the Office Action dated April 6, 2006, the Examiner withdrew the claims directed to the non-elected species from further consideration in this application. In the Response filed September 15, 2006, Applicants canceled Claims 14, 22, 32, 45, 54, 64, 88, 98, and 129 without prejudice as being drawn to non-elected species.

All the currently-pending claims are believed to read on the elected Species X (i.e., Figures 12 and 12a).

Prior Claim Clarifications (Including Added Claims 132–139)

In the Response filed September 15, 2006, Applicants amended independent Claims 1, 33, and 65 to clarify that which is regarded as the invention. Claims 1 and 33 were amended to clarify that the “telescoping structures” or “means for telescoping”, respectively, are “operatively positioned ...to allow for squeezing of the first abutment ring and second abutment ring co-axially closer to one another.” Claim 65 was also amended to clarify that “the first sleeve portion and the second sleeve portion are operatively positioned between the first abutment ring and the second abutment ring to allow for squeezing of the first abutment ring and second abutment ring co-axially closer to one another.” Support for these amendments can be found throughout the Specification, and, for example, in originally-filed Claims 2, 34, and 67. No new matter has been added.

In the Response filed September 15, 2006, Claims 7 and 39 were amended to clarify a grammatical error in the language (to delete redundant language regarding “the first sleeve portion”). Support for the amendment is provided the Specification, for example, in Paragraphs 0064, 0144, 0155, 0170, 0185, 0204, and 0212, and throughout the Figures of the drawing, including, for example, Figures 3-14. No new matter has been added.

As explained in the Response filed September 15, 2006, Claims 132–139 were added to further clarify that which the Applicants regard as the invention. Support for these claims can be found

throughout the Specification, including, for example, in Paragraph 0118, and the drawings, including, for example, in Figures 7, 7a, and 12. No new matter has been added. More particularly, dependent Claims 132–134 depend from independent Claims 1, 33, and 65, respectively, to add the limitation that the telescoping structures, means for telescoping, or sleeve portions and the retaining ring or means for axially retaining are “operative to allow a packing to be held in a pre-assembled but relaxed condition.” Independent Claim 135 is directed to a sub-combination of Claims 1, 132, and 15. Claims 136–139 depend from new independent Claim 135, including the subject matter of previously-presented Claims 4, 5, 6, and 11, respectively. No new matter has been added.

Claim Objections in the Office Action Dated April 6, 2006

Claim 38 was amended in the Response filed September 15, 2006 to correct “a first portion” to –a first sleeve portion–. Claims 18 – 21, 23 – 31, 50 – 53, 55 – 63, 84 – 87, and 89 – 97 are currently canceled without prejudice in favor of co-pending Application Serial No. 11/530,720.

Claim Rejections under 35 USC § 112 in the Office Action Dated April 6, 2006

Claims 6 and 38 were rejected for lack of clarity. In the Response filed September 15, 2006, Applicants amended Claims 6 and 38 in the Response filed September 16, 2006 to clarify that in each of these dependent claims “the telescoping structures” or the “means for telescoping,” respectively, are actually “a part of” the first and second sleeve portions of the sleeve. No new matter has been added.

Claims 11 and 43 were also rejected for lack of clarity. In the Response filed September 15, 2006, Claims 11 and 43 were amended to clarify that, in this dependent claim, “the telescoping structures” or the “means for telescoping,” respectively, are actually “a part of” the sleeve (which can be as an integrally formed sleeve 102) and one of the first and second abutment rings 114 and 124. In this regard, Applicants direct attention, for example, to the description of Paragraph 0127 of the written Specification and Figures 3 and 3a of the drawing. No new matter has been added.

Claims 67, 69, 75, and 77 were each rejected for insufficient antecedent basis for the limitations “the telescoping structures” and “the means for axially retaining.” Regarding the first antecedent basis issue in these claims, in the Response filed September 15, 2006, each of Claims 67, 69, 75, and 77 were amended to correct “the telescoping structures” to –the first sleeve portion and the second sleeve portion–, which language was in independent Claim 65 from which these claims depend either directly or through intervening claims. Regarding the second antecedent basis issue, in the Response filed September 15, 2006, Claims 67 and 69 were amended to delete the inadvertent inclusion in those claims of the reference to a “means for axially retaining.” Applicants note that dependent Claims 75 and 77 had depended from

Claim 128 (out of sequence because an inadvertently-omitted sheet of claims was replaced after the original filing of this application), which did provide antecedent basis for the “means for axially retaining.” However, to correct an unnecessary deviation from the normal sequence of claims, Applicants have previously amended Claims 75 and 77 to include “means for axially retaining” and to depend directly from independent Claim 65. No new matter has been added.

For the same reason, that is to correct an unnecessary deviation from the normal sequence of claims, Applicants had also amended Claims 79 and 82 to depend directly from independent Claim 65. No new matter has been added.

Claim 127 was rejected for insufficient antecedent basis for the limitation “the telescoping first and second sleeve portions.” In the Response filed September 15, 2006, Claim 127 was amended to correct to –the first sleeve portion and the second sleeve portion–, which language was in independent Claim 65 from which this claim depends (through intervening claims). No new matter has been added.

Claim Rejections under 35 USC § 102 in the Office Action Dated April 6, 2006

Claims 1-13, 15-17, 23, 33-44, 46-49, 65-69, 75-83, 127, 128, 130, and 131 were rejected as being anticipated by Covert et al., U.S. Patent No. 5,263,682. Applicants respectfully request reconsideration. Claims 18 – 21, 23 – 31, 50 – 53, 55 – 63, 84 – 87, and 89 – 97 are currently canceled without prejudice in favor of co-pending Application Serial No. 11/530,720.

Independent Claims 1, 33, and 65 each require that the “telescoping structures,” “means for telescoping,” or “sleeve portions,” respectively, are “operatively positioned” “to allow for squeezing of the first abutment ring and second abutment ring co-axially closer to one another.” As used in the Specification and supported by the context of all the embodiments relating to this aspect of the invention, to “squeeze” means to “press something from two sides: to press something hard in the hand or between two other objects, especially in order to reduce its size or alter its shape.” Encarta® World English Dictionary [North American Edition] © 2006 Microsoft Corporation. Another dictionary defines to “squeeze” as “to exert pressure especially on opposite sides of : COMPRESS.” Merriam-Webster Online Dictionary. According to yet another dictionary, to “squeeze” means “to press hard on or together; compress.” The American Heritage® Dictionary of the English Language, Fourth Edition, 2000. All of these definitions are consistent with the written description and drawings of the invention illustrating the abutment rings being squeezed closer together between, for example, the seat 29 of a packing bore 28 and a gland nut 32 (e.g., Figure 1 and Paragraphs 0097-0098). “The squeezing of the telescoping structures is preferably provided by capturing the packing cartridge in the packing bore between the seat 29 of the

packing bore 28 and a gland, such as a gland nut 32.” Specification, e.g., Paragraph 0117; see also, Specification, Figure 3 and Paragraph 0136.

Claims 1, 33, and 65 are directed to a co-operative arrangement of structures, not a mere collection of elements. As recited in these independent claims, and as shown in every one of the embodiments relating to these features, the telescoping structures, means for telescoping, or sleeve portions between the first abutment ring and the second abutment ring are, in fact, “operatively positioned” to allow for squeezing the abutment rings co-axially closer to one another.

In contrast, the structure disclosed in Figure 3 of Covert et al., including the cited surfaces between the “nut member 76” (Covert et al., Column 3, Lines 25-27) and “shoulder 52” (Covert et al., Column 3, Line 60), are not “operatively positioned” to allow for squeezing “co-axially closer to one another” as specified in pending Claims 1, 33, and 65. Rather, the threads 80 and 82 in that structure are operatively positioned between the nut member 76 and shoulder 52 in a manner that actually prevents any squeezing of those elements co-axially closer together.

Further, regarding Claims 1 and 33, the threads 80 and 82 (Covert et al., Column 4, Lines 26-30) as positioned in that structure prevent the “O-ring seal element 90” (Covert et al., Column 4, Lines 35-39) from meaningfully “retaining” any of the other elements of the structure together.

The structure disclosed in Covert et al. is not capable of operating as required by independent Claims 1, 33, and 65.

Regarding Claims 2, 34, 67, 69, 75, and 77, Covert et al. does not disclose a structure that is operative for squeezing or retaining “after positioning the packing cartridge in the packing bore” as specified in these claims. Part of the reason for this is that Covert et al. does not disclose a “packing cartridge” at all, but, as best understood, Covert et al. discloses a valve packing system, wherein the “bonnet portion 24” (Covert, Figure 1, Column 2, Line 67 – Column 3, Line 1; Figure 3 and Column 3, Lines 53-56) is a part of the valve body 12. Thus, the “bonnet portion 24” (Figure 1) and the “shoulder 52” (Covert et al., Figure 3) are not a packing cartridge that fits into a packing bore. As best understood, Covert et al. does not disclose removing the “bonnet portion 24” or positioning that “bonnet portion 24” in a packing bore. In this regard, the “shoulder 52” (Covert et al., Column 3, Line 60) is analogous to the seat 29 of a packing bore 28 as described for Applicants’ invention.

Regarding Claims 7 and 39, Covert et al. does not disclose that “the first sleeve portion” is “adapted to be positioned in at least a portion of the packing bore.” Again, part of the reason for this is that Covert et al. does not disclose a “packing cartridge” at all, but, as best understood, Covert et al. discloses a valve packing system, wherein the “bonnet portion 24” (Covert, Figure 1, Column 2, Line 67 – Column 3, Line 1; Figure 3 and Column 3, Lines 53-56) is a part of the valve body 12. Thus, the

“bonnet portion 24” (Figure 1) and the “shoulder 52” (Covert et al., Figure 3) are not a packing cartridge that fits into a packing bore. As best understood, Covert et al. does not disclose removing the “bonnet portion 24” or positioning that “bonnet portion 24” in a packing bore. In this regard, the “shoulder 52” (Covert et al., Column 3, Line 60) is analogous to the seat 29 of a packing bore 28 as described for Applicants’ invention.

Regarding Claims 10, 42, 66, and 131, Covert et al. does not disclose “a spacer ring operatively positioned to cover the overlapping travel of the telescoping structures between the first and second sleeve portions” (Claim 10), “a spacer ring operatively positioned to cover the overlapping travel of the means for telescoping (Claim 42), or “a spacer ring operatively positioned to cover the overlapping travel of the first and second sleeve portions” (Claims 66 and 131). The “resilient packing element 100” (Covert et al., Figure 3, Column 4, Lines 50-54) and the “packing support elements 102 (Covert et al., Figure 3, Column 4, Lines 54-59) are not “operatively positioned” to “cover” the overlapping travel of the recited structures in Claims 10, 42, 66, and 131.

Regarding Claims 11 and 43, Covert et al. does not disclose that “the telescoping structures are a part of the sleeve and one of the first and second abutment rings.” As mentioned above, these claims were amended to more clearly refer to the embodiment of the telescoping structures as illustrated, for example, in Figure 3 of the drawing. “According to this embodiment shown in Figure 3, the sleeve 102 has an inside circumferential surface 103 in which packing elements can be inserted telescopically and positioned. Each of the first abutment ring 114 and the second abutment ring 124 have an outer circumferential surface 115 and 125, respectively, that has an outside diameter adapted to be telescopically inserted and positioned in the inside circumferential surface 103 of the sleeve 102.” (Specification, Paragraph 0127.) In contrast, the Office Action elsewhere notes the surfaces between the “nut member 76” (Covert et al., Column 3, Lines 25-27) and “shoulder 52” (Covert et al., Column 3, Line 60) as being telescoping members between first and second sleeve portions.

Regarding Claims 13, 46, and 130, the o-ring disclosed in Covert et al., is not operative to retain the telescoping structures together. As previously discussed, the threads 80 and 82 in Covert et al. prevent any meaningful function of such an o-ring frictionally to retain the telescoping structures together. In the context of the magnitude of the forces exerted by the threads 80 and 82 in Covert et al. between the “nut member 76” (Covert et al., Column 3, Lines 25-27) and “shoulder 52” (Covert et al., Column 3, Line 60), any frictional engagement of the o-ring 90 for the purpose of providing a fluid seal (Covert et al., Column 4, Lines 34-39) would, in that context, be insignificant “to resist separation of the telescoping structures.”

Supplemental Argument Regarding Claims 132–139

Claims 132–139 were added in the Response dated September 11, 2006 to further clarify that which the Applicants regard as the invention.

Dependent Claims 132–134 depend from independent Claims 1, 33, and 65, respectively, to add the limitation that the “telescoping structures and the retaining ring,” “the means for telescoping and the means for axially retaining” or “the first and second sleeve portions and the means for axially retaining,” respectively, are “operative to allow a packing to be held in a pre-assembled but relaxed condition.” Support for these claims can be found throughout the Specification, including, for example, in Paragraph 0118, and the drawings, including, for example, in Figures 7, 7a, and 12. In addition to the remarks regarding the patentability of independent Claims 1, 33, and 65 provided above, these dependent claims are further patentable because the cited references do not teach or suggest any of these further limitations. The device of Covert et al. does not have any structures “operative to allow a packing to be held in a pre-assembled but relaxed condition.”

Independent Claim 135 is directed to a sub-combination of Claims 1, 132, and 15. In addition to the remarks regarding the patentability of independent Claims 1, the subject matter of independent Claim 135 is patentable over Covert et al. for the same reason as dependent Claim 132, but additionally requires a packing in the claimed structure, as discussed above.

Claims 136–139 depend from independent Claim 135, including the subject matter of previously-presented Claims 4, 5, 6, and 11, respectively. In addition to the remarks regarding the patentability of independent Claim 135, Claim 136 is a sub-combination with a spring and its position. Dependent Claim 137 further sets forth the function and travel of the telescoping structures. Dependent Claim 138 further sets forth that the telescoping structures are part of the sleeve. Dependent Claim 139 further sets forth that the packing cartridge has a spacer ring operatively positioned to cover the overlapping travel of the telescoping structures. Covert et al. does not teach or suggest such sub-combinations as claimed.

Consideration of these claims is respectfully requested.

Conclusion

Applicants’ arguments and amendments are without prejudice or disclaimer. Additionally, other distinctions from the cited references may exist, and Applicants reserve the right to discuss any such additional distinctions in a later prosecution response, or in any reissue or reexamination, or in litigation, if appropriate.

The amendment is believed to place the application in condition for allowance, and such action is respectfully requested. If a telephone interview would assist to expedite the application, please contact the undersigned at 214-220-0444.

The Commissioner for Patents is hereby authorized to charge any additional fees relating to this paper or credit any overpayment to Deposit Account No. 50-3037. A duplicate copy of the fee authorization sheet is enclosed for this purpose.


Dated: March 6, 2009

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Todd E. Albanesi
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Signature

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